

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:25-CV-37

**M.K., a minor, by and through her father
and next friend, EARL KRATZER,**

Plaintiffs,

v.

**STEPHEN FISHER, individually and in
his official capacity as the Superintendent
of the Cleveland County Schools, JOEL
SHORES, AARON BRIDGES, DANNY
BLANTON, GLORIA SHERMAN, RON
HUMPHRIES, DAVID FISHER,
RONNIE GRIGG, KENNETH
LEDFORD, and WALTER SPURLING,
in their official capacities as members of
the Cleveland County Board of Education,**

Defendants.

**JOINT MOTION TO STAY
PROCEEDINGS**

NOW COME all Parties, by and through the undersigned counsel, and pursuant to Rule 7 of the Federal Rules of Civil Procedure, hereby request this Court enter an order staying this action for 45 days. In support of this Motion, counsel for Plaintiff and counsel for Defendants show the Court the following:

The power to stay legal proceedings is "incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). "The interests of judicial economy and efficiency weigh in favor of suits that will settle all of the issues in the underlying controversy." *Coca-Cola Bottling Co. v. Durham Coco-Cola Bottling Co.*, 141 N.C.

App. 569, 578 (2000); *North Am. Roofing Servs. v. BPP Retail Props., LLC*, No. 1:13-cv-119, 2014 U.S. Dist. LEXIS 35193, at *5 (W.D.N.C. Mar. 18, 2014).

On February 5, 2025, Plaintiff filed the instant Complaint. Defendants received an extension of time to respond to Plaintiff's Complaint, and that time has not yet passed. The Parties have agreed upon terms to resolve this lawsuit and are reviewing a draft settlement agreement. Counsel for Plaintiff and counsel for Defendants have conferred and agree that this stay is proper and best serves the ends of justice. The Parties therefore move this Court to enter an order staying proceedings in this matter pending the Parties' forthcoming settlement.

WHEREFORE, all Parties pray that the Court enter an order staying proceedings in this action, with the exception of a forthcoming Joint Motion for Minor Settlement Approval, for 45 days.

This the 14th day of March 2025.

ACLU OF NORTH CAROLINA LEGAL FOUNDATION

s/ Ivy A. Johnson

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Attorneys for Defendant

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this *Joint Motion to Stay Proceedings* in the above-entitled action upon all parties to this cause via electronic service to all counsel who have consented to same via the Court's CM/ECF system:

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This the 14th day of March 2025.

s/ Ashley F. Leonard
Ashley F. Leonard